

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cv435**

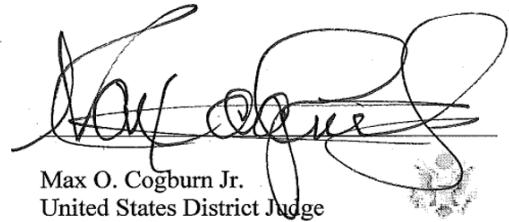
QBE SPECIALTY INSURANCE COMPANY,)	
)	
)	
Plaintiff,)	
)	
Vs.)	JUDGMENT
)	
)	
FSI, INC.,)	
)	
)	
Defendant.)	
)	

THIS MATTER having come before the court on plaintiff's Motion for Judgement on the Pleadings (#9) and Motion for Summary Judgment (#16), and the court having considered all the evidence of record and conducted a hearing, as discussed in the Memorandum of Decision filed simultaneously herewith,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that plaintiff's Motion for Summary Judgment (#16) is **GRANTED**, plaintiff's Motion for Judgement on the Pleadings (#9) is **DENIED** as moot, the counterclaim is **DISMISSED**, and **JUDGMENT** is entered in favor of plaintiff and against defendant providing the following **DECLARATORY JUDGMENT**:

as to the loss sustained July 12, 2009, by defendant, to wit, the theft of cargo from an intermodal container stored on defendant's premises, coverage is not available for such loss under policy number QSIGA0001039 issued by plaintiff, and plaintiff is not obligated to indemnify defendant for its loss and or provide defendant with a defense under the policy against any potential claims.

Signed: May 2, 2011



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.". The signature is fluid and cursive, with some loops and variations in line thickness.

Max O. Cogburn Jr.
United States District Judge